

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8542 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RB RATHOD

Versus

RD TEMBE

Appearance:

MR IS SUPEHIA for Petitioner

M/S PATEL ADVOCATES for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 24/04/2000

ORAL JUDGEMENT

Present petition has been filed challenging the order of suspension as well as for treating the period of suspension as on duty. However while admitting the petition, the Court has issued rule only in respect of question of suspension. It appears from the submissions

of the learned counsel for the petitioner that in pursuance to the disciplinary proceedings, the petitioner was reduced to the rank of Head Constable for a period of two years and thereafter he has again been promoted to his original post of PSI. Since the petitioner has already suffered the period of punishment and has been taken to his original post of PSI, I am of the view that at this stage there is nothing to decide about the legality of the suspension. After the punishment imposed on the petitioner the matter has taken a final shape, and therefore at this stage I do not like to express any opinion about legality of the order passed regarding suspension of the petitioner. With the punishment and reinstatement the present petition has become infructuous, and therefore, I am of the view that the petition should be disposed of. Since the present petition has been admitted on a limited point and that has become infructuous, this petition is disposed of as infructuous. Rule discharged. Interim relief if any granted shall stand vacated. No order as to costs.

Dt: 24-4-2000

(P.K. Sarkar, J)

/vgn